

Serial No.: 10/586,428

### **REMARKS**

Applicants respectfully request reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks. No additional claim fee is required for this Amendment as the number of independent claims has not changed, and the total number of claims is less than originally filed.

A Petition for a one-month extension of time and the Petition Fee are enclosed herewith.

### **Request for Telephone Interview**

Applicants kindly request the Examiner to contact the undersigned at (847) 490-1400 to schedule a telephone interview, to discuss the merits of this Patent Application.

### **Amendment to the Drawings**

Fig. 1 has been amended to generally illustrate the spray device (Claims 7, 8, 13, 14). No new matter has been added.

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### **Amendment to the Specification**

The Substitute Specification has been amended to describe amended FIG. 1. Support for this Amendment can be found at page 5, penultimate paragraph, of Applicants' Substitute Specification.

### **Amendment to the Claims**

Claim 1 has been amended to include limitations of Claim 2 and to recite that the holding neck has an opening that penetrates an interior cylindrical wall of the chisel receiver. Claim 2 has been canceled. New Claims 15 and 16 have been added. Support for this Amendment can be found in the drawings and Substitute Specification and no new matter has been added to the claims by this Amendment.

### **Drawing Objection**

The spray device has been generally illustrated in FIG. 1. Applicants believe the amended FIG. 1 overcomes the objection to the drawings.

**Claim Rejections - 35 U.S.C. §102**

The rejections of Claims 1, 9, and/or 11 under 35 U.S.C. §102(b) as anticipated by Krekeler, U.S. Patent 4,337,980, or Ojanen, U.S. Patent 5,529,384, are rendered moot by this Amendment, as Claim 1 has been amended to include limitations of Claim 2.

The rejections of Claims 1-6 and 9 under 35 U.S.C. §102(b) as anticipated by WO 02/090717 (WO '717) is respectfully traversed.

As best seen in FIG. 12 of WO '717, the chisel receiving bore has an expulsion opening (in front of the lead line for element reference number 60). Beyond the expulsion opening, the tool holder has an open area. In the tool holder of WO '717, conveyed particles accumulate in the region of the chisel receiving bore after the end of the chisel stem and before the expulsion opening. In this area, the particles are undesirably compressed due to the centrifugal force of the rotating tool.

In Applicants' invention of amended Claim 1 an opening opens the chisel receiver near the expulsion opening for removal of the particles. The opening extends, starting at the expulsion opening, in a direction of the chisel insertion opening. WO '717 does not teach or suggest Applicants' opening that extends from the expulsion opening toward in the direction of the chisel insertion opening.

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Regarding Claim 15, WO '717 does not teach or suggest Applicants' recited opening that intersects with the expulsion opening and extends from the expulsion opening toward the chisel insertion opening.

Regarding Claim 16, WO '717 does not teach or suggest an opening that extends from the expulsion opening toward the chisel insertion opening a distance that places a portion of a chisel shaft of the chisel inserted into the chisel receiver beneath the opening.

### **Allowable Subject Matter**

Applicants thank the Examiner for his efforts in determining that Claims 7, 8, 13, and 14 contain allowable subject matter. Applicants believe broader aspects of the invention are patentable as discussed above.

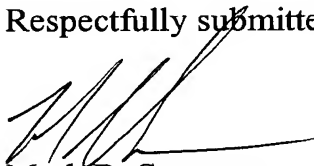
### **Conclusion**

Applicants intend to be fully responsive to the outstanding Office Action. If the Examiner detects any issue which the Examiner believes Applicants have not addressed or resolved in this response, the undersigned attorney again requests a telephone interview with the Examiner.

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Applicants sincerely believe that this Patent Application is now in condition for allowance and, thus, respectfully request early allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'M. Swanson', written over the typed name.

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